

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE MAT FIVE SECURITIES  
LITIGATION  
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**Civil Action No. 08 CIV 4152 NRB**

**CLASS ACTION**

**NOTICE OF MOTION FOR AN ORDER PARTIALLY LIFTING THE PSLRA  
DISCOVERY STAY AND PERMITTING LEAD PLAINTIFF TO CONDUCT  
DISCOVERY**

**PLEASE TAKE NOTICE** that pursuant to Federal Rules of Civil Procedure 23(d) and Section 27(b)(1) of the Securities Act of 1933 (15 U.S.C. § 77z-1(b)(1)), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), Lead Plaintiff The Michael Joel Stone Revocable Trust and Albeco, Inc. (“Lead Plaintiff”) hereby moves this Court, the Honorable Naomi Reice Buchwald, United States District Judge, in the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, for an order partially lifting the PSLRA discovery stay and permitting Lead Plaintiff to conduct discovery.

In support of this Motion, Lead Plaintiff submits: (1) the Declaration of Phillip Kim in support (with exhibits); (2) Memorandum of Law in support; and (3) a [Proposed] Order.

Respectfully submitted,

DATED: August 1, 2008  
New York, NY

THE ROSEN LAW FIRM, P.A.  
LAURENCE M. ROSEN (LR 5733)  
PHILLIP KIM (PK 9384)

/s/ Phillip Kim

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Liaison Counsel for Movant Michael J. Stone,  
Trustee, FBO Michael Joel Stone Revocable Trust  
Dated October 1999

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Lead Counsel for Movant Michael J. Stone, Trustee,  
FBO Michael Joel Stone Revocable Trust Dated  
October 1999

**CERTIFICATE OF SERVICE**

I hereby certify that on this on the 1st day of August, 2008, a true and correct copy of the foregoing NOTICE OF MOTION FOR AN ORDER PARTIALLY LIFTING THE PSLRA DISCOVERY STAY AND PERMITTING LEAD PLAINTIFF TO CONDUCT DISCOVERY was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim

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**CLASS ACTION**

**[PROPOSED] ORDER**

WHEREAS, Lead Plaintiff The Michael Joel Stone Revocable Trust and Albeco, Inc. (“Lead Plaintiff”) in this putative class action moved this Court for an Order pursuant to Section 27(b)(1) of the Securities Act of 1933 (15 U.S.C. § 77z-1(b)(1)), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for partial lifting of the PSLRA discovery stay and permitting Lead Plaintiff to conduct discovery;

WHEREAS, all capitalized terms herein shall have the meaning set forth in Lead Plaintiff’s motion papers;

WHEREAS, the PSLRA discovery stay can be lifted upon a showing of undue prejudice to Lead Plaintiff or to putative class members;

WHEREAS, the Court finding that Lead Plaintiff and putative class members would be unduly prejudiced without the partial lifting of the PSLRA discovery stay and good cause appearing;

**IT IS HEREBY ORDERED THAT:**

The PSLRA discovery stay (15 U.S.C. § 77z-1(b)(1)) is hereby partially lifted and Defendants shall provide responses to Lead Plaintiff’s Request for Production of Documents attached as Exhibit 9 to the Declaration of Phillip Kim dated August \_\_, 2008, on file with the Court, within seven calendar days from date of this Order.

**SO ORDERED:**

DATED: \_\_\_\_\_, 2008

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HONORABLE NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Submitted by:

THE ROSEN LAW FIRM, P.A.  
LAURENCE M. ROSEN (LR 5733)  
PHILLIP KIM (PK 9384)

/s/ Phillip Kim

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